

Office of the Commissioner of Lobbying of Canada

2012–13

Report on Plans and Priorities

The Honourable Tony Clement, PC, MP
President of the Treasury Board

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Message from the Commissioner of Lobbying



I am pleased to present the 2012-13 Report on Plans and Priorities for the Office of the Commissioner of Lobbying. My mandate is threefold: establish and maintain a public registry for lobbyists to disclose their activities; educate lobbyists, their clients, and public office holders about the *Lobbying Act* and its requirements; and ensure compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct*.

The *Lobbying Act* is based on the premise that lobbying is legitimate, but that it must be conducted in a transparent manner. The Registry of Lobbyists is the primary instrument for public disclosure of lobbying activities. As such, my Office strives to make the system easier to use and more dependable, both for lobbyists to report on their activities and for Canadians to search for this information. In the past year, I surveyed and consulted key stakeholders to identify ways to improve the search function of the Registry. This work will be completed in 2012-13.

Better awareness and understanding of the Act helps not only lobbyists, but also their clients and public office holders, build a culture that leads to compliance. Awareness of the *Lobbying Act* is essential to ensuring that lobbyists understand when registration is required. As a result, I believe they are more likely to comply with the legislation. I intend to continue to reach out to all key stakeholders.

I will continue to deal with all alleged breaches of the *Lobbying Act* and the *Lobbyists' Code of Conduct* in a serious manner. In 2011-12, I tabled five Reports on Investigation in Parliament, dealing with breaches to the *Lobbyists' Code of Conduct*. I intend to process files as efficiently as possible, keeping pace with a growing caseload, in order to be able to table Reports on Investigations in a timely manner.

As Commissioner, I remain committed to supporting the objectives set out by Parliament through the *Lobbying Act*. I believe that the effective administration of this key piece of legislation has contributed to increased transparency and accountability in the lobbying of federal public office holders. In the coming year, I will support the work of Parliament, as it continues the work that began in 2011-12, to review the *Lobbying Act*.

Karen E. Shepherd
Commissioner of Lobbying

Section I — Organizational Overview

Raison d'être

The Office of the Commissioner of Lobbying (OCL) supports the Commissioner of Lobbying, the Agent of Parliament responsible for the administration of the *Lobbying Act* (the Act). The legislation seeks to improve transparency and accountability regarding communications between lobbyists and federal public office holders and increase the confidence of Canadians in the integrity of government decision-making.

Responsibilities

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act*. The authority of the Commissioner is derived from the Act.

The mandate of the Commissioner is threefold:

1. Establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
2. Develop and implement educational programs to foster public awareness of the requirements of the Act; and
3. Undertake administrative reviews and investigations to ensure compliance with the Act and the Lobbyists' Code of Conduct (the Code).

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament Reports on Investigations, which include her findings, conclusions and the reasons for her conclusions.

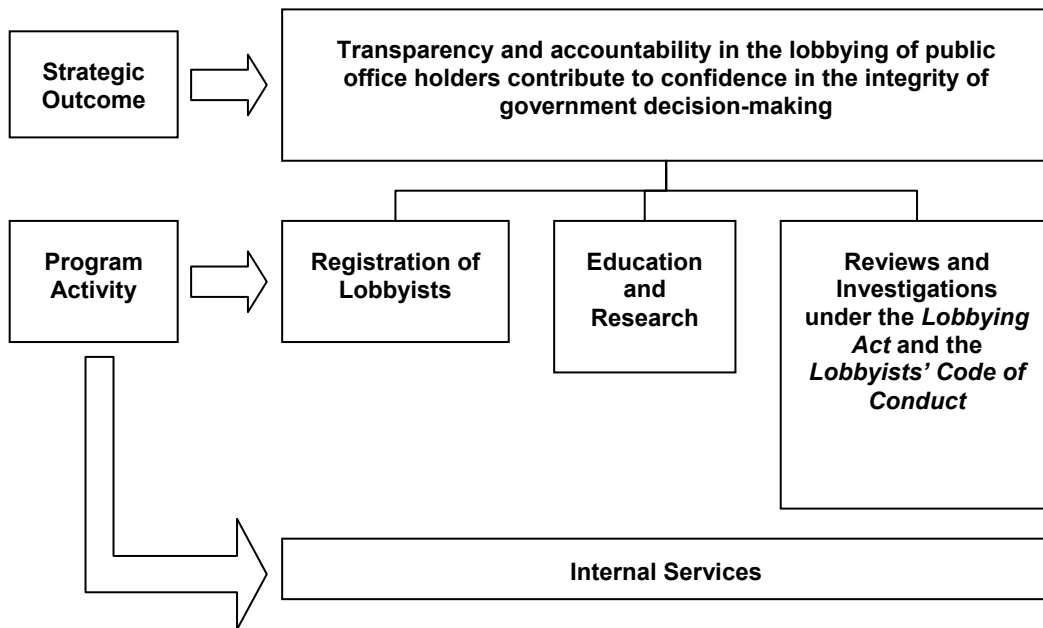
Strategic Outcome

In order to effectively pursue its mandate, the OCL aims to achieve the following strategic outcome:

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

Program Activity Architecture

The Program Activity Architecture (PAA) for the OCL is its basis for reporting to Parliament. The PAA reflects how the OCL allocates and manages the resources under its control to achieve its intended outcome.



Organizational Priorities

Priority	Type	Program Activity
Improve the search and reporting functions of the Registry.	Ongoing	Registration of Lobbyists
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> The Registry of Lobbyists is the main tool to disclose information and ensure transparency of lobbying activities. It contains considerable information about lobbyists and their activities. Improving the search and reporting functions will help Canadians have better access to information about lobbying activities. <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> Building on work completed in 2011-12, the OCL will launch an upgraded version of the Registry of Lobbyists in 2012-13. The new version will feature new search tools and more extensive statistical reporting capabilities. 		

Priority	Type	Program Activity
Clarify objectives, roles and procedures in support of more effective education and outreach activities; and improve outreach to key stakeholders in a more efficient manner.	Ongoing	Education and Research
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> Clearer objectives, roles and procedures will help align education and outreach activities to the mandate of the OCL and facilitate the identification of more efficient delivery mechanisms. A long-term outreach strategic plan will allow the OCL to better assess and meet the needs of key stakeholders. <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> A review of roles and procedures will be undertaken to determine how to achieve more effective program governance. Criteria will be developed to better identify key stakeholders in need of outreach. 		

Priority	Type	Program Activity
Improve the management of review and investigation cases based on clear criteria and priority in order to facilitate workload planning and file processing.	Ongoing	Reviews and Investigations under the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i>
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> More effective case management and planning will enable the OCL to best use its human and financial resources to further improve the application of the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> and ensure that the results of reviews and investigations are communicated to Canadians on a timely basis. 		

<p>Plans for meeting the priority</p> <ul style="list-style-type: none"> The Directorate will design and implement a planning system to prioritize files based on pre-established risk criteria, and to determine timelines for completion based on caseload analysis. 		
Priority	Type	Program Activity
Improve the information technology infrastructure to support the planning and management of the Directorate's caseload and the protection of files.	Ongoing	Reviews and Investigations under the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i>
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> An effective case management system will help: improve the efficiency of review and investigation processes; reduce the inventory of files inherited from previous incarnations of the Office; and expedite the completion of files and reporting of results. Timely completion of reviews and investigations will improve compliance and provide assurance to Canadians that lobbying activities are being conducted in conformity with the legislation and according to the highest ethical standards. <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> The Directorate will continue to participate in the work of a cluster group with a view to adopting an IT-based case management system that will help manage the review and investigation caseload more effectively and efficiently. 		

Priority	Type	Strategic Outcome and/or Program Activity
Continue strengthening the OCL management accountability framework with a view to positioning the organization to further improve priority-setting and allow the OCL to better communicate its performance story to Parliament and Canadians.	Ongoing	Internal Services
Description		
<p>Why is this a priority?</p> <ul style="list-style-type: none"> The OCL is a small organization with limited human and financial resources. As an independent Agent of Parliament, the Commissioner is also the deputy head of the organization. Like other Agents of Parliament, she is solely responsible for monitoring and ensuring compliance with Treasury Board policies within her organization. The OCL has put in place all required measures to ensure a high level of accountability to assist the Commissioner in fulfilling her role as deputy head of an independent organization reporting to Parliament. <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> Continue with the implementation of the multi-year Internal Audit Plan approved in 2010-11. Complete the establishment of the Evaluation function. Review and update the OCL's Corporate Risk Profile and Performance Measurement Framework. Develop a multi-year strategic plan for the OCL, including HR, finance and IM/IT components. 		

Risk Analysis

The Office of the Commissioner of Lobbying (OCL) has established and maintains the federal registry of lobbyists and lobbying activities known as the Lobbyists Registration System (LRS). The OCL shares the challenges of any office charged with maintaining a large-scale registry in terms of accuracy and timeliness of disclosure while ensuring registrant compliance and system integrity. The LRS is a very complex system which continually requires monitoring, maintenance and improvements to ensure it remains accessible to users and the information it contains is accurate.

The OCL strives to ensure that the LRS is continually accessible to registrants so that the goal of transparency of lobbying activities can be achieved. Therefore, the OCL minimizes registration delays by preventing system interruptions. To this end, the Registry has a number of built-in failsafe mechanisms. In the unlikely event that the Registry does shut down, either intentionally or otherwise, the OCL has processes and systems in place to limit the amount of downtime to a minimum.

The Act requires that registrants disclose certain communications involving “designated” public office holders, e.g. ministers, ministerial staff, deputy ministers, Members of Parliament and Senators. This reporting requirement is satisfied online by registrants directly inputting the data. As a result, reporting errors may occur. The OCL continues to educate lobbyists and designated public office holders regularly on how to reduce reporting errors. The OCL monitors the overall accuracy of monthly communication reports through regular sampling. It also developed a system functionality that allows external users to amend incorrect monthly communication reports without the need for OCL involvement, thus freeing up resources for other priorities.

The OCL conducts administrative reviews and investigations to ensure compliance with the Act and the Code. It also reviews applications for exemption from the five-year lobbying prohibition for former designated public office holders. The Commissioner’s decisions with respect to administrative reviews, investigations and applications for exemption may be subject to judicial review by the Federal Court. It is possible that judicial review decisions could affect the Commissioner’s ability to complete investigations in a timely manner. The OCL conducts reviews and investigations that are fair, thorough and well-documented, and that will stand the test of litigation, if required.

The OCL is a small organization that relies on other federal organizations for most of its corporate services, including information technology, human resources management and financial services. Service agreements with providers are carefully monitored and revised periodically to ensure that all practices and services are consistent with OCL requirements, standards, and internal controls. The Audit and Evaluation Committee (AEC) supports the Commissioner in her role of deputy head. The AEC is an independent advisory committee that provides objective advice and recommendations regarding the organization’s risk management, control and governance frameworks and processes. The Committee also exercises oversight of core areas of management, control and accountability, including reporting.

Planning Summary

The Commissioner of Lobbying, like other Agents of Parliament, was not subject to the Government direction with regard to the comprehensive review of expenditures in departments and agencies. However, all Agents of Parliament were strongly encouraged to adhere to the spirit and intent of the Government's efforts to reduce public sector expenditures while increasing their efficiency and effectiveness. As such, the OCL conducted a comprehensive review to support these efforts.

As the Government decisions regarding departmental budgets are not known at this point, no result is included in this document. The information contained in this report will provide a baseline for future reporting on the impacts of the government's decisions regarding budgets for fiscal year 2012-13. Please reference the 2012-13 Departmental Performance Report for additional information regarding the implementation of these decisions.

The table below provides a summary of the total planned spending for the OCL for the next three fiscal years.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
4,721	4,628	4,628

The table below provides a summary of the total planned human resources for the OCL for the next three fiscal years.

Human Resources (Full-time Equivalent — FTE)

2012-13	2013-14	2014-15
28	28	28

Planning Summary Table

Strategic Outcome: Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.					
Performance Indicator				Target	
The level of compliance with the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> .				100%	
Program Activity ¹	Forecast Spending 2011-12 (\$ thousands)	Planned Spending (\$ thousands)			Alignment to Government of Canada Outcomes
		2012-13	2013-14	2014-15	
Registration of Lobbyists	1,053	1,126	1,126	1,126	An accountable, transparent, and responsive government
Education and Research	923	950	950	950	An accountable, transparent, and responsive government
Reviews and Investigations under the <i>Lobbying Act</i> and <i>Lobbyists' Code of Conduct</i>	1,147	1,026	1,026	1,026	An accountable, transparent, and responsive government
Total Planned Spending		3,102	3,102	3,102	

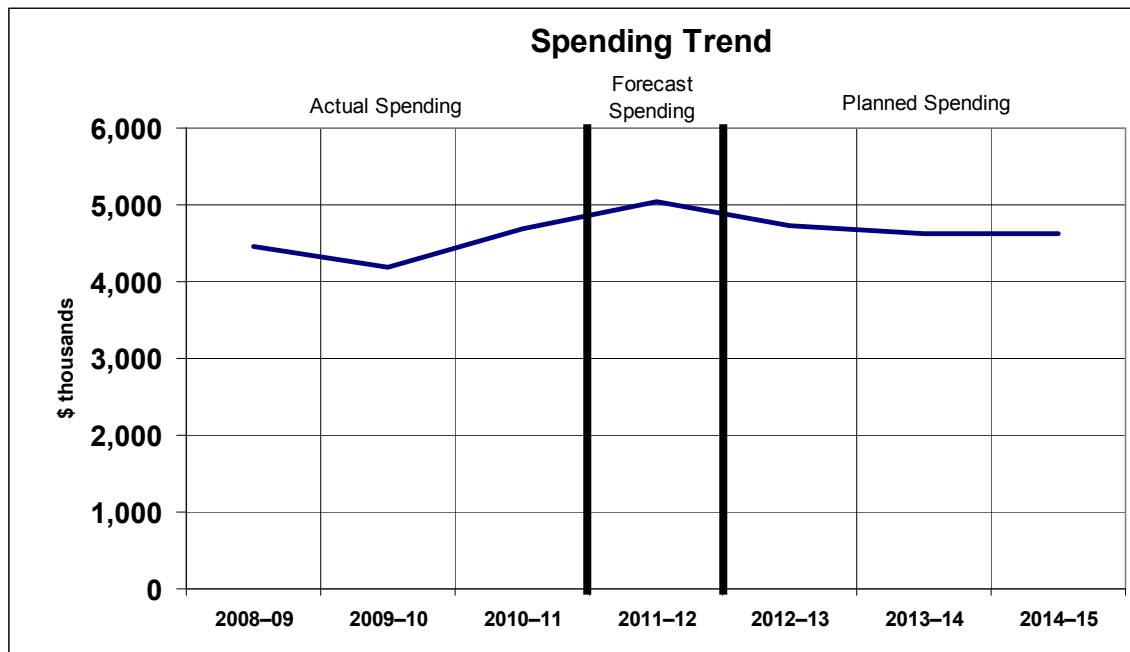
¹ For program activity descriptions, please access the Main Estimates online at <http://www.tbs-sct.gc.ca/est-pre/index-eng.asp>.

Program Activity	Forecast Spending 2011-12 (\$ thousands)	Planned Spending (\$ thousands)		
		2012-13	2013-14	2014-15
Internal Services	1,927	1,619	1,526	1,526
Total Planned Spending		1,619	1,526	1,526

Expenditure Profile

The figure below illustrates the spending trend for the OCL from 2008-09 to 2014-15.

Actual spending corresponds to total expenditures as published in the Public Accounts of Canada. The forecast spending reflects the expected expenditures for 2011-12. The planned spending for 2012-13 reflects resources approved through Main Estimates, and the anticipated lapse to be carried forward from 2011-12. Finally, the planned spending for 2013-14 and 2014-15 reflects the approved resources.



The forecast spending for 2011-12 shows a significant increase which can be explained by the severance payments incurred pursuant to the new severance pay provisions in some collective agreements (\$264K).

Estimates by Vote

For information on our organizational appropriations, please see the 2012-13 Main Estimates publication, available at: <http://www.tbs-sct.gc.ca/est-pre/20122013/me-bpd/docs/me-bpd-eng.pdf>.

Section II — Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Transparency and accountability in the lobbying of public office holders contribute to confidence in the integrity of government decision-making.

The following section describes the program activities of the Office of the Commissioner of Lobbying (OCL) and identifies expected results, performance indicators and targets. This section also explains how the OCL plans to meet its expected results and presents the financial and non-financial resources that will be dedicated to each program activity.

This section contains a discussion of plans surrounding the following program activities:

- Registration of Lobbyists;
- Education and Research;
- Reviews and Investigations under the *Lobbying Act* and the *Lobbyists' Code of Conduct*; and
- Internal Services.

Program Activity: Registration of Lobbyists

Program Activity Description: The *Lobbying Act* recognizes that lobbying the federal government is a legitimate activity, but it must be done transparently. The Lobbyists Registration System (LRS) maintained by the Office of the Commissioner of Lobbying (OCL) allows individuals who are paid to lobby public office holders to disclose their lobbying activities. The OCL reviews all lobbyists' registrations for completeness and makes them accessible to the public through an online registry, thereby ensuring transparency of lobbying activities. The performance of this program activity is measured by specific indicators, such as the percentage of registrations that are processed within established service standards.

The OCL devotes considerable efforts to ensuring the integrity of the LRS through a robust quality assurance program. The OCL is now focusing on ensuring that the Registry search and reporting functions meet the needs of users. The OCL understands that collecting information from lobbyists is important and one of the key components that contributes to transparency. Making lobbying information available in ways that makes sense to Canadians is equally important. To that end, improvements to the Registry search and reporting functions will be implemented in 2012-13.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
1,126	1,126	1,126

Human Resources (Full-Time Equivalent-FTE)

2012-13	2013-14	2014-15
6	6	6

Expected Results	Performance Indicators	Targets
Lobbyists can register in accordance with the requirements of the <i>Lobbying Act</i> .	Percentage of registrations that are processed within three business days.	100% of registrations received are processed within three business days.
Canadians have access to information about lobbyists and lobbying activities.	Percentage of time the Registry of Lobbyists is available to Canadians	The Registry of Lobbyists is available to the public 95-98% of the time.

Planning Highlights: In order to achieve the expected results, the OCL plans to undertake the following activity:

- Complete improvements to the search functions in the Lobbyists Registration System.

Program Activity: Education and Research

Program Activity Description: The *Lobbying Act* provides the Commissioner of Lobbying with a mandate to develop and implement educational programs to ensure that lobbying activities at the federal level are conducted in an ethical and transparent manner, in compliance with the requirements of the Act.

The Education and Research Program Activity includes the development and implementation of an outreach strategy to educate lobbyists, their clients, public office holders and the public about registration requirements under the *Lobbying Act*.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
950	950	950

Human Resources (Full-Time Equivalent-FTE)

2012-13	2013-14	2014-15
7	7	7

Expected Result	Performance Indicator	Target
Lobbyists, their clients, public office holders and the public are aware of the requirements of the <i>Lobbying Act</i> .	Awareness of the Act on the part of lobbyists, their clients, public office holders and the public is medium to high.	80% say that their awareness is medium to high.

Planning Highlights: In order to achieve the expected result, the OCL plans to undertake the following activities:

- Clarify roles and procedures in order to manage public education and outreach activities more effectively and efficiently.
- Develop and implement long-term strategic plans for education and outreach activities, including the criteria for the identification of target audiences.

Program Activity: Reviews and Investigations under the *Lobbying Act* and the *Lobbyists' Code of Conduct*

Program Activity Description: This program activity includes a range of activities to ensure compliance with the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code), such as monitoring of lobbying activities reported in the media, validation of selected monthly communication returns, review of applications for exemption from the five-year prohibition on lobbying, and investigations of allegations of non-compliance with the Act or the Code. Reports are submitted to the Commissioner to recommend appropriate compliance measures.

Financial Resources (\$ thousands)

2012–13	2013–14	2014–15
1,026	1,026	1,026

Human Resources (Full-Time Equivalent–FTE)

2012–13	2013–14	2014–15
9	9	9

Expected Results	Performance Indicators	Targets
Suspected, alleged or known breaches of the <i>Lobbying Act</i> and the <i>Lobbyists' Code of Conduct</i> are reviewed or investigated and appropriate measures taken to ensure compliance.	Percentage of suspected, alleged or known breaches of the Act or Code that are subject to review or investigation.	100% of suspected, alleged, or known breaches are subject to review or investigation.
Exemptions from the five-year prohibition are granted or denied in a manner consistent with the purposes of the <i>Lobbying Act</i> .	Percentage of exemption reviews completed to the point of the letter of intent within 60 days.	100% of exemption reviews are completed to the point of the letter of intent within 60 days.

Planning Highlights: In order to achieve the expected results, the OCL plans to undertake the following activities:

- Develop and implement a systematic approach to reviews and investigations, including priority-setting and timelines for completion with a view to anticipating tabling of Reports to Parliament.
- Improve the information technology infrastructure to support the planning and management of the Directorate's caseload and the protection of files.

Program Activity: Internal Services

Program Activity Description: Internal Services are activities that support programs and corporate obligations of the organization. They include activities such as: Management and Oversight Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management; and Information Technology Services. Internal Services include only activities and resources that apply across the organization and not to those provided specifically to a program activity.

Given the mandate of the OCL to develop and implement educational programs to foster public awareness of the requirements of the *Lobbying Act*, Communications Services are not included in Internal Services, but rather form part of the Education and Research Program Activity.

Financial Resources (\$ thousands)

2012-13	2013-14	2014-15
1,619	1,526	1,526

Human Resources (Full-Time Equivalent-FTE)

2012-13	2013-14	2014-15
6	6	6

Planning Highlights: The OCL will continue to strengthen its management accountability framework, including planning and reporting instruments such as Performance Measurement Framework, Corporate Risk Profile, Integrated Business and Human Resources Plan, and Information Management/Information Technology Strategic Plan. In addition, the OCL will continue the implementation of its Multi-year Internal Audit Plan and make progress with the establishment of an evaluation function, including initiating the first OCL program evaluation. Finally, the OCL will undertake necessary preparations for the first audit of the OCL's financial statements by the Office of the Auditor General.

In order to achieve the expected results, the OCL plans to undertake the following activity:

- Complete the internal audit of the LRS to ensure its data integrity, dependability and responsiveness to user requirements.

Section III — Supplementary Information

Financial Highlights

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the operations of the Office of the Commissioner of Lobbying. These future-oriented financial highlights are prepared on an accrual basis to strengthen accountability as well as to improve transparency and financial management.

Future-Oriented Statements

(\$ thousands)

Condensed Statement of Operations For the Year (ending March 31)	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Expenses	180	5,455	5,375
Total Revenues	-	-	-
Net Cost of Operations	180	5,455	5,375

The 2012-13 expenses are composed of personnel costs, estimated at \$3,131K (57% of total expenses) and other operating expenses, estimated at \$2,324K (43% of total expenses).

(\$ thousands)

Condensed Statement of Financial Position As at March 31	\$ Change	Future-Oriented 2012-13	Future-Oriented 2011-12
Total Assets	(3)	1,554	1,557
Total Liabilities	(213)	653	866
Equity	210	901	691
Total	(3)	1,554	1,557

It is projected that total assets will be valued at \$1,554,000 in fiscal year 2012-13. This is composed mainly of amounts due from Consolidated Revenue Fund (14% or \$221K) and tangible capital assets (86% or \$1,333K).

Liabilities include vacation pay and severance benefits (66% or \$432K) and accounts payable and accrued liabilities (34% or \$221K).

Future-Oriented Financial Statements

The Future-Oriented Financial Statements and related notes can be found on the OCL website at: <http://ocl-cal.gc.ca/eic/site/012.nsf/eng/00567.html>.

Supplementary Information Tables

All electronic supplementary information tables found in the 2012-13 Report on Plans and Priorities can be found on the Treasury Board of Canada Secretariat's website at <http://www.tbs-sct.gc.ca/rpp/2012-2013/info/info-eng.asp>.

- Greening Government Operations
- Upcoming internal audits over the next three fiscal years

Section IV — Other Items of Interest

Organizational Contact Information

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